OPEN Doors

A publication of the Residential Tenancies Branch

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Repairs are a Good Investment

Well-maintained rental units benefit tenants and landlords and both need to co-operate on the upkeep of rental housing. Under The Residential Tenancies Act, landlords must keep rental units in good condition – ongoing maintenance protects landlords' investments and gives tenants quality housing. To maintain the standards of rental housing, landlords need to inspect rental units and complexes regularly to see what repairs are needed and tenants need to let landlords know quickly, if there are problems.

Landlords must notify tenants in advance about regular maintenance inspections to identify any problems or maintenance needs. When landlords find something that needs repair or maintenance, they must advise tenants, in writing, that someone will be entering the unit to do the work. (See box for rules on giving tenants notice.)

Tenants must let landlords know about a maintenance or repair problem as soon as they realize that something needs to be fixed. This allows landlords to make repairs before a small problem becomes bigger and often more expensive. For emergency repairs, tenants should contact the landlord or caretaker in person or by phone. For non-emergency repairs, tenants can call or send a note with the details (see box for help in deciding what's an emergency).

When tenants give landlords a request for repairs, landlords should acknowledge the request as soon as reasonably possible and let the tenant know what will be done. Sometimes there are legitimate reasons for a delay in making a repair, such as bad weather, the need to order repair materials, priorities on a caretaker's maintenance schedule or the need to find a specialist for a specific job. Smart landlords keep tenants informed about unexpected delays and give them the reasons. This helps avoid frustration, misunderstandings and conflicts.

Tenants need to co-operate with landlords in getting repairs done. After receiving proper notice ahead of time, tenants must allow landlords, or the trades people they hire, to enter the rental unit to do the work. If a tenant has a problem with the time the landlord plans to enter, the tenant can suggest another time. However, the tenant must ultimately allow the landlord to enter to make the repair. Tenants can help the repair process go faster if, where possible, they move furniture and other belongings away from the work area to allow the work to be done.

Tenants are responsible for any damage they or their invited guests cause to a rental unit or residential complex. Tenants are obligated to repair the damage in a "good and workmanlike manner" or to pay the landlord for the cost of the repair. If there is damage, smart tenants will immediately inform the landlord and discuss what should be done. Landlords can tell tenants to repair the damage and have the tenants pay for it themselves. Landlords can have the damage repaired and bill tenants for reasonable repair costs. If tenants don't repair the damage or pay for the repairs, landlords can give them notice to move.

Handling disputes over repairs

Tenants should never hold back rent payments to try and force landlords to do repairs. Tenants who do not pay their rent can be given notice to move. If landlords do not do necessary repairs, tenants can contact the Residential Tenancies Branch (RTB) for advice.

Tenants who contact RTB, must fill out a Formal Request for Repairs form. The form is available at your local RTB office or it can be downloaded from the branch website at manitoba.ca/rtb. Tenants must give a copy of the completed form to the landlord and send a copy to the branch. When RTB receives a form, an officer contacts the landlord to discuss the request. In many cases, landlords agree to do the repairs by a specific date. If this happens, the branch will check back with the landlord and tenant to confirm that the work is completed and the case will be closed.

If, for some reason, a landlord refuses to do the repairs, a branch repair officer will usually inspect the rental unit to see what needs to be done. If the officer agrees that the repairs are necessary and the tenant's rent is paid up to date, the

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officer will issue an order to the landlord to make the repairs before a certain date. Most cases are usually resolved at this stage without any further RTB involvement.

However, if a landlord still refuses to do the work, the branch will order the tenant or tenants to give their rent payments directly to RTB. Once enough money has been collected, the branch hires a contractor to do the repairs and pays the contractor from the rent money collected. If the branch has to do this, the landlord is charged an administration fee as well as the cost of repairs.

If a health inspector or other government official issues an order to repair and the landlord does not comply with that order, the order can be filed with RTB. The branch will then enforce the order.

Maintaining the appearance of a unit or complex

Landlords are obliged to maintain the appearance of rental units and complexes. The RTB's Policies and Procedures Guidebook says that if a tenant has lived in a rental unit for some time (usually five years), the tenant can ask the landlord to do a cosmetic improvement to the unit. Tenants most commonly ask to have their units painted or carpets replaced. Many landlords agree to make the improvements tenants request, particularly if the tenants are long term residents who meet all their tenant obligations. The branch would only order a landlord to comply with a request for maintenance if the request is reasonable and the work is necessary. For example, RTB will not order a landlord to replace a carpet that is in good condition just because the tenant is not happy with the colour.

Improvements requested by tenants

Occasionally tenants ask landlords to make an improvement to a rental unit or to provide a service the landlord does not usually provide. For example, a tenant might ask a landlord to install a window air conditioner in a building without air conditioning. Or, in a building where the tenants normally pay their own hydro bills, a tenant might ask a landlord to take over the hydro bill.

If a landlord agrees to the tenant's request, the rent may be increased. Often, landlords and tenants will agree about how much the improvement or service is worth to the tenant. However, to be able to charge for a tenant-requested improvement, a landlord must apply to RTB to determine the value of the improvement or new service. The Residential Tenancies Act has a process for dealing with these requests. For more information about tenant-requested improvements, see Section 13 of RTB's Policies and Procedures Guidebook at manitoba.ca/rtb; or call your local Residential Tenancies Branch office.

ENTERING UNITS

Tenants are entitled to written notice before anyone enters their units to inspect or do repairs. The notice must be given to the tenant at least 24 hours, and no more than two weeks, before the time of entry.

Emergency Repairs

- a pipe has broken and water is leaking
- the heating system is not working and it's cold outside
- sewage is backing up into the premises
- a problem with electrical wiring that could cause a shock or fire
- the refrigerator supplied by the landlord is not working

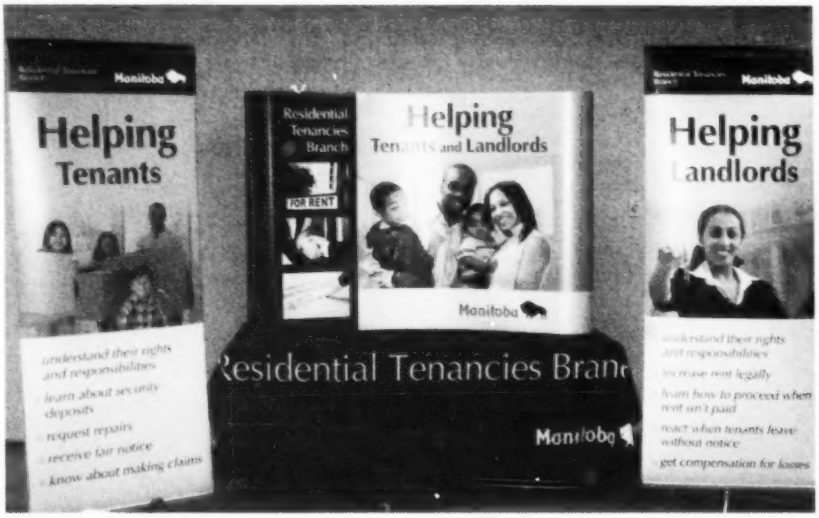
Non-Emergency Repairs

- an interior door doesn't close properly
- a stove element is burnt out
- a tap is dripping
- an upper window has a cracked pane

While these are not emergencies, the landlord should be notified (during office hours) as soon as possible.

RTB Staff – Reaching the Community

Public education is key to the success of any industry and the residential rental industry is no exception. Over the past several months, Residential Tenancies Branch staff have been out in the community attending trade shows and open houses. Our goal is to expand our community outreach and provide useful information to landlords and tenants about their rights and responsibilities.



Staff attended the Professional Property Managers Association's annual trade show – Suite Living – in the spring. A broad range of topics – from emergency preparedness, to better communication, to dealing effectively with bed bugs – was provided for property managers and caretakers. RTB staff was on hand to distribute information about rights, responsibilities and our role in serving the public.

RTB also had a display at the Rotary Career Symposium to provide information to potential first-time renters about their rights and responsibilities. And we also took part in the Age & Opportunity's Seniors Housing and Lifestyles Expo. The expo provides information to seniors about their housing options and various support services.

We connected with another important segment of the community at the Manitoba Bar Association's annual Law Day Open House. This event is intended to educate and inform the public about the role and importance of the law and we provided information on how provincial laws affect landlord and tenant relationships.

RTB staff are available to speak at most community events. If you'd like us to come to one of your events, please call 945-2476 in Winnipeg; or 1 - 800- 782-8403 toll free.

Dealing with Abandoned Goods

Sometimes, tenants choose to leave a rental unit without saying anything to the landlord. Often, these tenants leave personal belongings behind and landlords must decide how to dispose of them.

Rental units are considered abandoned when tenants:

- leave without proper notice and tell the landlord they will not return
- leave the unit without telling the landlord they won't return and without paying rent that is due

Abandoned goods are any personal property left behind by tenants who leave, abandon or have been evicted from rental units. These goods are considered abandoned if landlords did not agree in advance to store them for the tenants. In Manitoba, disposal of all abandoned goods must comply with The Residential Tenancies Act (the Act) and its regulations.

...disposal of all abandoned goods must comply with The Residential Tenancies Act...

If tenants do not want the abandoned property, landlords can provide an Authorization to Dispose of Contents form. It must be signed by the tenants before they move out. The form gives landlords permission to get rid of personal property left behind by the tenants. Tenants may be responsible for any cost the landlord incurs when disposing of the abandoned goods.

Tenants who do want to keep their things must arrange to have all their personal items removed from the housing unit on or before their moving day. They must also contact the landlord immediately if they need to leave something behind; and make sure the landlord has their new contact information and the date items will be picked up. Tenants may have to pay the landlord's costs to move or store the items.

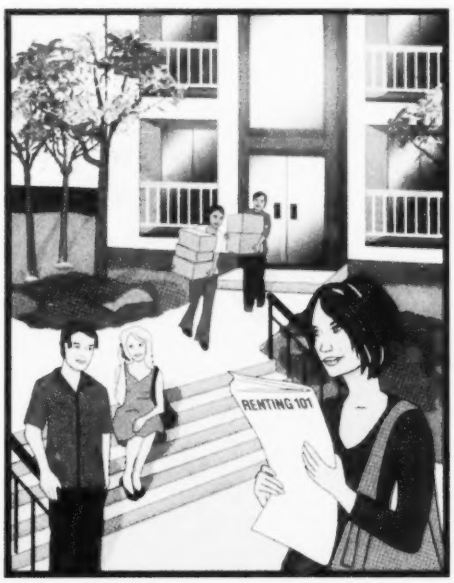
For more information, contact the Residential Tenancies Branch or visit the website at gov.mb.ca/finance/cca/rtb/gbook/s6aband_geninfo1.html.

What's new at manitoba.ca/rtb

Renting 101

The branch recently introduced "Renting 101" to the manitoba.ca/rtb website. This new feature is geared to younger renters, who might be looking for their first apartments or who have concerns about their first rentals. The site provides useful information on renters' rights and responsibilities, what to look for and how to go about renting a unit, as well as information on how to properly end a lease or tenancy.

The Renting 101 information will also be used by RTB staff who are doing presentations to young people at high schools, colleges and universities.



Need information?

ONLINE
manitoba.ca/rtb

OFFLINE
in person or by phone

Visit your branch office Monday to Friday from 8:30 a.m. to 4:30 p.m.

Winnipeg at 302–254 Edmonton Street
or call **945-2476**

Brandon at 157–340 9th Street
or call **726-6230**

Thompson at 113–59 Elizabeth Drive
or call **677-6496**

Toll free 1-800-782-8403

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